

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

U.S. BANK, NATIONAL ASSOCIATION, in its capacity as Trustee, JOSHUA N. TERRY, AND ACIS CAPITAL MANAGEMENT, L.P.,

Plaintiffs,

-against-

THE CHARITABLE DONOR ADVISED FUND, L.P., CLO HOLDCO LTD., NEXPPOINT DIVERSIFIED REAL ESTATE TRUST, AND NHF TRS, LLC,

Defendants.

Case No. 1:21-cv-11059 (GHW)

NOTICE OF HIGHLAND CLO FUNDING, LTD.'S MOTION FOR CERTIFICATION OF JUDGMENT UNDER RULE 54(B)

ORAL ARGUMENT REQUESTED

PLEASE TAKE NOTICE that Highland CLO Funding, Ltd. ("HCLOF"), by and through its undersigned counsel, moves this Court for an order certifying the portion of the Court's February 1, 2024 Memorandum Opinion & Order (the "Order") (ECF No. 253) dismissing Defendants Charitable Donor Advised Fund, L.P. and CLO HoldCo Ltd.'s counterclaims against HCLOF, and for an express determination that there exists no just reason for delay for entry of final judgment with respect to that portion of the Order. This motion is based on the accompanying memorandum of law, dated May 1, 2024.

Dated: May 1, 2024
New York, New York

AKIN GUMP STRAUSS HAUER & FELD LLP

By: /s/ Uri A. Itkin
Uri A. Itkin
Michael Chen

One Bryant Park
New York, New York 10036
Telephone: (212) 872-1000

Attorneys for Highland CLO Funding Ltd.

CERTIFICATE OF SERVICE

I, Uri A. Itkin, hereby certify that on May 1, 2024, I caused a true copy of the foregoing documents to be served via CM/ECF to all counsel of record.

/s/ Uri A. Itkin
Uri A. Itkin